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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,229	04/03/2001	Mituo Maeda	2185-0526P-SP	9077

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EXAMINER

SADULA, JENNIFER R

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 08/01/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,229

Applicant(s)

MAEDA ET AL.

Examiner

Jennifer R. Sadula

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001 and 08 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Objections

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiply depending claims. See MPEP § 608.01(n). Accordingly, the claim 4 has not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Asai et al., U.S. Patent No. 5,428,100 ("Asai").

Asai teaches a wholly aromatic polyester composition containing a wholly aromatic polyester resin (40-79% by weight) which exhibits a liquid crystalline property in a molten state, glass fiber (5-25% by weight) and a fluorocarbon polymer (0.5-10% by weight). The polyester obtained forms an anisotropic melt at a temperature of 400°C or below (column 4, lines 8-20). The wholly aromatic polyester resin contains repeating units (A1) derived from an aromatic hydroxycarboxylic acid (B1-2) an aromatic dicarboxylic acid; and (C1) an aromatic diol wherein the specific mixture may be as specified in example a of column 7 and thus Asai anticipates the claimed invention. Flexural test pieces were shaped and examined (column 10, lines 54-58 and table 1). With regard to Applicant's claim 3, please note column 11, lines 30-36.

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With specific regard to Applicant's claim 5, Asai teaches the materials to have been melt-kneaded (column 10, lines 38-40) via a twin screw extruder (PCM-30, mfd. by Ikegai Iron Works, Ltd. (column 12, lines 2-3)). This twin-screw extruder has an upper stream side and a lower stream side and it is well known in the art of extrusion to perform the functions of this particular extruder as specified by the Applicants.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagano et al., U.S. Patent No. 5,976,406 ("Nagano").

Nagano teaches a liquid crystal polyester resin composition wherein the compound has a flow temperature of between 310 to 400°C (abstract) and the flow temperature as specified (see column 2, lines 37-55). The composition is composed of structural units I-IV wherein the flexural modulus falls within the specified range (column 5, lines 53-55 and examples).

With specific regard to Applicant's claim 5, Nagano teaches the materials to have been melt-kneaded via a twin screw extruder (PCM-30, mfd. by Ikegai Iron Works, Ltd. (column 6, lines 35-38)). This twin-screw extruder has an upper stream side and a lower stream side and it is well known in the art of extrusion to perform the functions of this particular extruder as specified by the Applicants.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer R. Sadula whose telephone number is 703.305.4835. The examiner can normally be reached on Monday through Friday, 10am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff can be reached on 703.308.2464. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9310 for regular communications and 703.872.9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

JRS
July 25, 2002



MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700